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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,156	07/21/2003	Joseph Pohutsky	20-520	2708

7590

06/07/2005

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EXAMINER

FRAZIER, OWEN J

ART UNIT

PAPER NUMBER

2687

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/623,156	Applicant(s) POHUTSKY ET AL.	
	Examiner Owen J Frazier	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig. 3 [310]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 2 [224], [226], and Fig. 3 [3107]. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 4-10 and 14-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The disclosure does not mention any of these techniques describing how to locate the subscriber.
4. Claims 4-10 and 14-19 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The disclosure does not mention any of these techniques describing how to locate the subscriber which is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7-15, and ~~17~~-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohtia (US 6,560,456) in view of Bar (US 6,456,852).

Regarding claims 1 and 11, Lohtia teaches a method of providing location-based reference information in a wireless network comprising: receiving an information telephone call from a subscriber, a telephone number initiating said telephone call including at least one auxiliary digit (feature code) beyond those associated with the information telephone call (Col. 5 line 66-Col.6 line 5); location based service to obtain a location of said subscriber (Col. 2 line 40, Col. 4 line 32, and Col. 5 line 30); retrieving a short message relating to said location based on requested information associated with said at least one auxiliary digit, and transmitting said retrieved short message to said subscriber (Col. 3 lines 35-42, Col. 4 lines 48-50, Col. 5 lines 56-59, and Col. 5 line 66-Col.6 line 5). Lohtia does not specify specifically that the location-based service to obtain a location of the subscriber is a wireless service. For example, Lohtia teaches location information based on current location of subscriber as cited above, but does not spell out if the system finds the user or if the user enters his location in his profile. Bar, however, teaches a similar system for providing location information based on a dialed

phone number and auxiliary digit where a location-based wireless service obtains the location of the subscriber (Col. 3, lines 5-24, Col. 4 lines 53-55, and Col. 5 lines 25-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bar into that of Lohtia for the obvious reason that it would assure relevant information to the subscriber. For example, if the system used your location from your profile and you traveled outside your area, you would have to provide the system your location or else receive wrong information. With this combination the user never has to worry about where he/she is located to receive accurate information.

Regarding claims 2 and 12, Lohtia teaches that there are at least two auxiliary digits in the information call (Col. 6 lines 36-39 and Col. 7 lines 32-33). Although "#1" is mentioned, it would be obvious to require more complex codes like the other examples for more complex system information as a single digit is very limiting.

Regarding claims 3 and 13, Lohtia teaches the information number can be any number which would obviously include 411 (Col. 5 lines 42-44). Bar teaches the information number being 411 as well (Col. 3 line 15).

Regarding claims 4, 8, 9, 10, 14, 17, 18, and 19, Bar teaches the subscriber can be located using wireless or cellular signaling (Col. 5 lines 37-49), time difference of arrival (Col. 3 line 47), time of arrival (Col. 3 line 46), and using the known location of a cell/sector servicing the subscriber (Col. 5 lines 25- 50).

Regarding claims 5 and 15, Lohtia teaches the message is transmitted while subscriber remains at determined location (Col. 5 lines 25-30 current location).

Regarding claim 7, Bar teaches location determined by using a network generated location based on a centroid of a cell site sector's radio frequency polygon (Col. 3 lines 25-35).

6. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohtia (US 6,560,456) in view of Bar (US 6,456,852) and in further view of Hines (US 2004/0203922).

Regarding claims 6 and 16, the Lohtia and Bar combination teaches all the particulars of the claims except locating the subscriber using angle of arrival. Hines teaches locating a wireless device using angle of arrival (Page 2 [0033]). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hines into that of the combination for the obvious reason of having another way to locate the subscriber.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Valloppillil (US 2004/0092250), Ranjan (US 2003/0100320), and Ekerborn (US 2004/0235493).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Owen J Frazier whose telephone number is (571) 272-7921. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OJF
5/24/2005


5/25/05
ELISEO RAMOS-FELICIANO
PATENT EXAMINER